

REMARKS

Claims 1-8 are pending. Reconsideration of the application based on the following remarks is respectfully requested.

Claims 1-8 stand rejected under 35 U.S.C. §103(a) over Kennedy (U.S. Patent No. 6,754,192) in view of Haugli (U.S. Patent Application Publication No. 2004/0125776) and further in view of Goddard (U.S. Patent Application Publication No. 2002/0083117). The rejection is respectfully traversed.

Kennedy in view of Haugli, and further in view of Goddard fails to disclose or render obvious the combinations of features recited in independent claims 1 and 6-8. In particular, Kennedy in view of Haugli, and further in view of Goddard fails to disclose or render obvious "extracting routing information from a transport or network layer of the network, using change-of-state notification means with which the application has previously been registered; and forwarding said routing information extracted by the notification means to the application" as recited in independent claim 1, "a computer program for performing a change-of-state notification method, the method executed by a computer, wherein the program includes, for an application that has previously been registered with the program, instructions causing the computer to operate as means for extracting routing information from a transport or network layer of the network, and means for forwarding the extracted information to the application" as recited in independent claim 6, "a system for notifying changes-of-state in the resources of a network, the system comprising the network and at least one application adapted to execute on the network, and including a computer program installed on at least one node of the network, the program including, for an application that has previously been registered with the program, instructions for causing the node to operate as means for extracting routing information from a transport or network layer of the network, and means for forwarding the extracted information to the application" as recited in independent claim

7, and "node of a network, comprising routing applications, the node storing a computer program including, for an application that has previously been registered with the program, instructions for causing the node to operate as means for extracting routing information from a transport or network layer of the network, and means for forwarding the extracted information to the application" as recited in independent claim 8.

In rejecting Applicants' claims, the Office Action alleges that Kennedy discloses that "each set of nodes...is initially (previously) registered with its communicating node or subset" citing column 6, line 60 through column 7, line 1. See Office Action, page 3. Applicants respectfully disagree.

The cited portion of Kennedy discloses the initialization of route tables by use of either a proactive or a reactive protocol, and possibly by using a predefined set of routes for some or all nodes. This initialization aims at giving knowledge of some nodes and first values to the route tables in order to perform routing. These nodes known for initialization of the tables do not have the "process-switch message" (which the Office Action alleges corresponds to the claimed "routing information") directed to them. Thus, Kennedy fails to disclose "using change-of-state notification means with which the application has previously been registered" as recited in independent claim 1.

Haugli provides a communication system in which network peers update a local conductivity table using control messages sent by nearby peers, in order to forward any incoming messages. Haugli then propagates the message from peer to peer within a network. Haugli only regards the OSI transport or network layer and thus fails to disclose "using change-of-state notification means with which the application has previously been registered" as recited in claim 1.

Goddard discloses a switching method of requests of an application. See paragraphs [0003] and [0017]. A dispatcher implements a priority assignment to each received request in

order to ensure quality of service. See paragraph [0020]. The priority given to any request includes a static component which demands on the request sender, and a dynamic component "regardless of connection" which is time dependent (aging mechanism). See paragraph [0023]. The request with the highest priority is then first processed. Goddard discloses that the requests are regardless of the routing scheme, and the priorities are not computed based on routing information or any connection information. The priorities are based on the static component and a dynamic component. Thus, Goddard fails to disclose the notification of changes of network state to an application of the application layer.

In rejecting Applicants' claims, the Office Action alleges that Goddard teaches "a network where layer seven switching is performed at an access point to process client request based on quality of service". See Office Action page 4, paragraph 3. The Office Action acknowledges that this feature is not disclosed by Kennedy or Haugli. Goddard as explained above, does not teach "switching... based on quality of service" but rather teaches "layer seven switching" which assures quality of service request scheduling. See Goddard paragraph [0020]. That is, Goddard does not disclose that routing information from network/transport layer is used or received by an application of the application layer.

Thus, Kennedy in view of Haugli, and further in view of Goddard fails to render obvious the combination of features recited in independent claim 1. Thus, claim 1 is patentable. Accordingly, dependent claims 2-5 also are patentable by their dependence on claim 1 for at least the reasons explained above regarding claim 1.

Independent claims 6-8 also are patentable for reasons similar to those explained above regarding independent claim 1.

Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Robert G. Bachner
Registration No. 60,122

WPB:RGB/jls

Date: October 26, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--